

PTO/SB/01A (10-00)

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## DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

**Title of Invention** NOVEL ABCA6 TRANSPORTER AND USES THEREOF

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or  
☒ Application No. 10/090,453, filed on March 4, 2002,  
☐ as amended on \_\_\_\_\_ (if applicable);

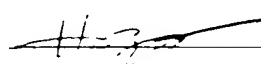
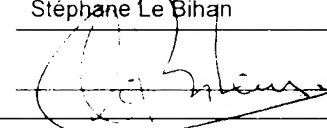
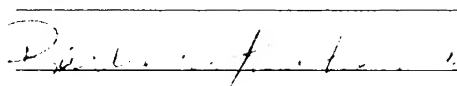
I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

### FULL NAME OF INVENTOR(S)

Inventor one:	<u>Hongyun Chen</u>	Citizen of:	<u>Canada</u>
Signature:	<u></u>	Date:	<u>April 23, 2002</u>
Inventor two:	<u>Stéphane Le Bihan</u>	Citizen of:	<u>France</u>
Signature:	<u></u>	Date:	<u>April 19, 2002</u>
Inventor three:	<u>Barbara Kulhanek</u>	Citizen of:	<u>Canada</u>
Signature:	<u></u>	Date:	<u>Apr 17, 2002</u>
Inventor four:	_____	Citizen of:	_____
Signature:	_____	Date:	_____

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file and the PTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.  
Docket No. 100103 404 267658

**ELECTION AND POWER OF  
ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	10/090.453
Filing Date	March 4, 2002
First Named Inventor	Hongyun Chen
Group Art Unit	1645
Examiner Name	
Attorney Docket Number	100103.404

I hereby appoint

☒ Practitioners at Seed IP Law Group PLLC

OR

☐ Practitioner(s) named below:

00500

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

☐ Applicant/Inventor☒ Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ As assignee of record of the entire interest I/we hereby elect, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.**SIGNATURE of Applicant or Assignee of Record**

Name	Peter B. Reiner
Signature	
Date	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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PTO/SB/96 (08-00)

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U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Hongyun Chen et al.

Application No./Patent No.: 10/090,453 Filed/Issue Date: March 4, 2002

Entitled: NOVEL ABCA6 TRANSPORTER AND USES THEREOF

Active Pass Pharmaceuticals, Inc.

(Name of Assignee)

a

corporation

(Type of Assignee, e.g., corporation, partnership,  
university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or  
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or **for which a copy thereof is attached.**

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the  
current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be  
submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records  
of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

\_\_\_\_\_  
Date

Peter B. Reiner

Typed or printed name

\_\_\_\_\_  
Signature

President and CEO

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO Commissioner for Patents, Washington, DC 20231.

Docket No. 100103 404

267666 [09-14-01]

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## ASSIGNMENT

WHEREAS, we, Hongyun Chen, Stéphane Le Bihan, and Barbara Kulhanek (hereinafter referred to as ASSIGNORS), having post office addresses of 2711 West 21<sup>st</sup> Avenue, Vancouver, British Columbia, Canada V6L 1K4; 4551 West Fifteenth Avenue, Vancouver, British Columbia, Canada V6R 3B3; and 9967 156A Street, Surrey, British Columbia, Canada V4N 2W2, respectively, are the joint inventors of an invention entitled "NOVEL ABCA6 TRANSPORTER AND USES THEREOF," as described and claimed in the specification for which an application was filed in the United States on March 4, 2002 and assigned Application No. 10/090,453. This application claims the benefit of Provisional Application No. 60/273,650, filed on March 5, 2001;

WHEREAS, Active Pass Pharmaceuticals, Inc. (hereinafter referred to as ASSIGNEE), a corporation of the Country of Canada, having a place of business at 520 West Sixth Avenue, Suite 400, Vancouver, British Columbia, Canada V5Z 4H5, is desirous of acquiring the entire right, title and interest in and to the invention and in and to any letters patent that may be granted therefor in the United States and in any and all foreign countries;

NOW, THEREFORE, in exchange for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and to said invention, said application and any and all letters patent which may be granted for said invention in the United States of America and its territorial possessions and in any and all foreign countries, and in any and all divisions, reissues and continuations thereof, including the right to file foreign applications directly in the name of ASSIGNEE and to claim priority rights deriving from said United States application to which said foreign applications are entitled by virtue of international convention, treaty or otherwise, said invention, application and all letters patent on said invention to be held and enjoyed by ASSIGNEE and its successors and assigns as fully and entirely as the same would have been held and enjoyed by ASSIGNORS had this assignment, transfer and sale not been made. ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue all letters patent on said invention to ASSIGNEE. ASSIGNORS agree to execute all instruments and documents required for the making and prosecution of applications for United

States and foreign letters patent on said invention, for litigation regarding letters patent, or for the purpose of protecting title to said invention or letters patent therefor.

April 22, 2002  
Date

Hongyun Chen  
Hongyun Chen

Province of British Columbia )  
 ) ss.  
Country of Canada )

I certify that I know or have satisfactory evidence that Hongyun Chen is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated April 22, 2002

Signature of Notary Public [Signature]

Printed Name Simon Le Bihan

My appointment expires Perpetual

April 19, 2002  
Date

Stéphane Le Bihan  
Stéphane Le Bihan

Province of British Columbia )  
 ) ss.  
Country of Canada )

I certify that I know or have satisfactory evidence that Stéphane Le Bihan is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated April 19, 2002

Signature of Notary Public [Signature]

Printed Name Simon Le Bihan

My appointment expires Perpetual

Date

Barbara Kulhanek

Province of British Columbia )

) ss.

Country of Canada )

I certify that I know or have satisfactory evidence that Barbara Kulhanek is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated April 14 2006Signature of  
Notary Public [Signature]Printed Name Ken D. BrownMy appointment expires Does not expire

#267670 100103 404

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants : Hongyun Chen et al.  
Application No. : 10 090,453  
Filed : March 4, 2002  
For : NOVEL ABCA6 TRANSPORTER AND USES THEREOF  
Art Unit : 1645  
Docket No. : 100103.404  
Date : May 29, 2002

Commissioner for Patents  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

DECLARATION

Sir:

I, Monica Steinborn, in accordance with 37 C.F.R. § 1.821(f) do hereby declare that, to the best of my knowledge, the content of the previously submitted paper entitled "Sequence Listing" and the computer readable copy contained within the floppy disk, enclosed herewith, are the same.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Dated this 29<sup>th</sup> day of May 2002.

Monica Steinborn  
Monica Steinborn  
Biotechnology Paralegal

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